

THURSTON COUNTY COMBINED SPECIAL PURPOSE DISTRICTS
Thurston County, Washington
January 1, 1991 Through December 31, 1993

Schedule Of Findings - Fire Protection District No. 1

1. Thurston County Fire Protection District No. 1 Should Hold Monthly Meetings

Our review of the minutes of Fire Protection District No. 1 revealed the district did not hold meetings for the following months:

May	1991
August	1991
December	1991
January	1992
February	1992
September	1992
October	1993
February	1994

RCW 52.14.090 states in part:

The board shall hold regular monthly meetings at a place and date as it determines

When the monthly meetings are not held the district is unable to conduct its business affairs in a timely manner.

The commissioners were often unable to obtain a quorum and were apparently unaware a monthly meeting was required by law.

We recommend the commissioners take steps to ensure monthly district meetings are held.

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Schedule Of Findings - Fire Protection District No. 5

1. Fire Protection District No. 5 Of Thurston County Must Use An Eligible Public Depository

Fire District No. 5 maintains a checking account at the Twin County Credit Union.

Chapter 39.58 RCW defines eligible institutions which may hold public funds. Credit Unions are excluded from that listing. Accordingly, we believe the district lacks statutory authority to hold its funds in a credit union.

The district used the credit union because it was more convenient. District personnel were apparently unaware of the exclusion of credit unions which prevents them from holding public funds.

We recommend the district only use properly authorized depositories as defined in Chapter 39.58 RCW.

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Schedule Of Findings - Fire Protection District No. 11

1. Fire Protection District No. 11 Of Thurston County Must Use An Eligible Public Depository

Fire District No. 11 maintains a checking account at the Twin County Credit Union.

Chapter 39.58 RCW defines eligible institutions which may hold public funds. Credit unions are excluded from that listing. Accordingly, we believe the district lacks statutory authority to hold its funds in a credit union.

The district used the credit union because it was more convenient. District personnel were apparently unaware of the exclusion of credit unions which prevents them from holding public funds.

We recommend the district only use properly authorized depositories as defined in Chapter 39.58 RCW

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Schedule Of Findings - Fire Protection District No. 12

1. Officials Of Thurston County Fire Protection District No. 12 Should Avoid Serving In Incompatible Offices

Fire District No. 12 has an elected commissioner who also serves as a paid secretary of the district.

AGO 1978 No. 22 states in part:

In AGO 59-60 No. 157, this office concluded that the secretary of a fire protection district is a public officer and not a mere employee. Based upon that characterization of the position we then advised that it was contrary to the common law doctrine of incompatible public offices for the same individual simultaneously to serve as a commissioner and a secretary of the same fire protection district.

By holding both positions, the commissioner/secretary is placed in the difficult position of supervising herself.

District officials were apparently unaware of this prohibition.

We recommend the official resign as either commissioner or secretary.

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Schedule Of Findings - Fire Protection District No. 14

1. Thurston County Fire Protection District No. 14 Should Cease Allowing A Nonprofit Organization To Use Its Equipment Without Consideration

Fire District No. 14 allows the Grand Mound Fire Department EMS Fund (a nonprofit auxiliary organization) use of the district's ambulance for the organization's fund raising activities. The district does not charge for the use of its ambulance.

Article VIII, Section 7 of the Washington State Constitution states in part:

No county, city, town or other municipal corporation shall hereafter give any money, or property, or loan its money or credit to or in aid of any individual, association, company or corporation

Allowing the organization free use of the district's ambulance for its private fund raising purposes results in the taxpayers of the district subsidizing the nonprofit organization. It also subjects the district to additional liability which may not be covered by insurance.

District officials were apparently unaware of the constitutional prohibition against this practice.

We recommend the district cease lending its equipment to independent organizations. We further recommend the district enter into contracts which provide adequate consideration and liability protection for the district should it wish outside organizations to use its property.

2. Thurston County Fire Protection District No. 14 Should Retain Minutes Of Commission Meetings

Fire District No. 14 was unable to provide commissioner board meeting minutes for the calendar year 1991 for our review.

RCW 42.32.030 states:

The minutes of all regular and special meetings except executive sessions of such boards, commissions, agencies or authorities shall be promptly recorded and such records shall be open to public inspection.

By not retaining minutes the district and the public are uninformed about actions taken. Without minutes to review, the auditor is prevented from determining the legality of district activities.

The cause of the missing minutes appears to be carelessness on the part of officials responsible for their preparation and retention.

We recommend the district retain all minutes for public inspection and for audit.

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Schedule Of Findings - Fire Protection District No. 15

1. Thurston County Fire Protection District No. 15 Must Appoint Additional Commissioners

During our review of Fire District No. 15 it had only one commissioner.

RCW 52.14.050 states in part:

In the event of a vacancy occurring in the office of fire commissioner, the vacancy shall, within sixty days, be filled by appointment of a resident elector of the district by a vote of the remaining fire commissioners. If the board of commissioners fails to fill the vacancy within the sixty day period, the county legislative authority of the county in which all, or the largest portion, of the district is located shall make the appointment

Additionally, RCW 42.30.020 (3) in defining "final action" requires:

. . . a collective positive or negative decision, or an actual vote by a majority of the members of a governing body when sitting as a body of entity, upon a motion, proposal, resolution, order, or ordinance.

Without a majority of commissioners the district cannot conduct its business in accordance with law.

We recommend the district or the county appoint the requisite number of commissioners.

2. Thurston County Fire Protection District No. 15 Should Retain Minutes Of Commission Meetings

Fire District No. 15 was unable to provide commissioner board meeting minutes for the period January 1991 through October 1991 for our review.

RCW 42.32.030 states:

The minutes of all regular and special meetings except executive sessions of such boards, commissions, agencies or authorities shall be promptly recorded and such records shall be open to public inspection.

By not retaining minutes the district and the public are uninformed about actions taken. Without minutes to review, the auditor is prevented from determining the legality of district activities.

The cause of the missing minutes appears to be carelessness on the part of officials responsible for their preparation and retention.

We recommend the district retain all minutes for public inspection and for audit.

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Schedule Of Findings - Cemetery District No. 1 Of Grand Mound

1. Cemetery District No. 1 Of Grand Mound Must Retain Public Records

Cemetery District No. 1 was unable to provide records other than minutes for the calendar year 1992.

In addition, the district was unable to provide minutes for the period January through November 1991.

RCW 40.14.070 states in part:

Except as otherwise provided by law, no public records shall be destroyed . . . unless: (1) The records are six or more years old . . .

RCW 42.32.030 states:

The minutes of all regular and special meetings except executive sessions of such boards, commissions, agencies, or authorities shall be promptly recorded and such records shall be open to public inspection.

The lack of records prevents the State Auditor's Office and other interested parties from having access to complete information on the district's activities. Also, because of the lack of records, we were unable to assure ourselves the district is operating in accordance with the laws of the state of Washington and the district's own policies.

District officers were apparently unaware of the importance of maintaining public records

We recommend the cemetery district retain all records for public inspection and for audit.

